

## **REMARKS**

Claims 1-14, 18-20 and 22-25 will be pending in this application upon entry of the present amendment. Claims 1, 4-12, 24 and 25 have been amended. The amendments are stylistic in nature and have been made to more clearly point out and define the claimed subject matter. No new matter has been added.

Applicants gratefully acknowledge the Examiner's indication that claims 1-3 and 20 have been found to be allowable over the art of record and that claims 5, 13, 14, 18, 19, 22 and 23 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

### **I. The Objection of Claims 9 and 10 Under 37 C.F.R. §1.75(c)**

Claims 9 and 10 have been objected to under 37 C.F.R. §1.75(c) as being in improper form for allegedly not referring to other claims in the alternative only.

Claims 9 and 10 have been amended to be in independent form by incorporating the structures of the claims from which they previously depended from.

Accordingly, Applicants believe that objection of claims 9 and 10 under 37 C.F.R. §1.75(c) has been overcome and should be withdrawn.

### **II. The Rejection of Claims 4, 6-12, 24 and 25 Under 35 U.S.C. §112, Second Paragraph**

Claims 4, 6-12, 24 and 25 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

The Examiner has stated that it is not clear why claim 4 depends from claim 1 for the definition of the variable  $R_1$  and that it is not clear what the phrase "but are independent of  $R_1$ " means. Applicants have amended claim 4 to recite the definition for each of the variables  $R_4$ ,  $R_5$  and  $R_6$  rather than referring to claim 1 and to no longer recite the phrase "but are independent of  $R_1$ ."

The Examiner has further stated that the term "provided with" in claims 4, 8, 11, 12 and 24 is vague and has suggested the use of the term "optionally substituted with." Applicants have amended claims 4, 8, 11, 12 and 24 by replacing the term "provided with" with the term "optionally substituted with" as suggested by the Examiner.

The Examiner has further stated that the term "epothilone derivative" in claim 6 should be changed to "a compound" to be consistent with the previous amendment to the

claims from which claim 6 depends. Applicants have amended claim 6 to replace the term “epothilone derivative” with “a compound” as suggested by the Examiner.

The Examiner has further stated that it is not clear what is meant by the term “respectively” in claims 7, 8 and 24. Applicants have amended claim 7 to clarify that the monocyclic aromatic and/or hetero aromatic groups can be substituted by C<sub>1-6</sub>-alkyl, C<sub>2-6</sub>-alkenyl, C<sub>2-6</sub>-alkynyl, fluorine, chlorine, bromine or iodine and to no longer recite term “respectively.” Claims 8 and 24 have been amended to delete the recitation of the term “respectively.”

The Examiner has further stated that the terms “characterised in” and “production” in claims 9 and 10 are vague and has suggested replacing these terms with “wherein” and “preparing” or “preparation”, respectively. Amended claims 9 and 10 no longer recite the term “characterize” and now recite the term “wherein.” Claims 9 and 10 have also been amended to replace the term “production” with the term “preparation” as suggested by the Examiner.

The Examiner has further stated that clarification is needed with respect to the substitution of the monocyclic aromatic and/or hetero aromatic rings of the compounds of claim 7. Claim 7 has been amended to recite that the substituents of the monocyclic aromatic and/or hetero aromatic are C<sub>1-6</sub>-alkyl, C<sub>2-6</sub>-alkenyl, C<sub>2-6</sub>-alkynyl, fluorine, chlorine, bromine or iodine. Applicants believe that this amendment clarifies claim 7.

Finally, the Examiner has stated that clarification is needed with respect to the substituents recited in claim 25. Claim 25 has been amended to replace “and” with “or” as suggested by the Examiner.

Accordingly, Applicants believe that the rejection of claims 4, 6-12, 24 and 25 under 35 U.S.C. §112, second paragraph, for alleged indefiniteness has been overcome and should be withdrawn.

### **III. The Objection to Claims 5, 13, 14, 18, 19, 22 and 23 For Being Dependent Upon a Rejected Base Claim**

Claims 5, 13, 14, 18, 19, 22 and 23 are objected to for being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants believe that the above amendments and remarks have put each of the base claims from which claims 5, 13, 14, 18, 19, 22 and 23 depend into condition for allowance and that it is not necessary to rewrite the claims in independent form.

Accordingly, in view of the above amendments and remarks, Applicants believe that the objection to claims 5, 13, 14, 18, 19, 22 and 23 for being dependent upon a rejected base claim has been overcome and must be withdrawn.

### CONCLUSION

Applicants believe that the rejections and objections have been successfully overcome and that the pending claims are in condition for allowance. Withdrawal of the Examiner's rejections and objections and allowance of the application are respectfully requested. If the Examiner has any questions or suggestions to expedite allowance of this application, he is respectfully invited to call the undersigned to discuss the matter further.

It is believed that no fee is due in connection with this response other than that set forth in the Amendment Fee Transmittal Sheet; however, in the event any other fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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Enclosures